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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,763	09/09/2003	Richard J. Daignault JR.	64862/P059C1/10503208	4848

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ADVANCED NEUROMODULATION SYSTEMS, INC.
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PLANO, TX 75024

EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/28/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/659,763	Applicant(s) DAIGNAULT, RICHARD J.	
	Examiner Sajous Wesner	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 and 24-29 is/are allowed.
- 6) ☒ Claim(s) 23,30-33 and 35-38 is/are rejected.
- 7) ☒ Claim(s) 34 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/9/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first Office Action. Claims 19-39 are presented for examination.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "the first..., the second..., and the third attribute..." in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 30-35, 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by the Applicant's Admitted Prior Art (AAPA).

Considering claims 30-33, the AAPA discloses means for associating at least two conditions to a first region (e.g., neck or back region) of an object representation represented by a plurality of regions (e.g., dermatome regions) and representing at least

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a portion of a human body (see fig. 1 of AAPA); and means for generating a representation of the at least two conditions associated to the first region in a distinguishable manner from each other for graphical representation on a display, wherein the at least two conditions are related to attributes of pain, wherein a first condition related to pain intensity (or pain value or amount of pain) and a second condition related to pain type (e.g., chronic pain or dermatome related data of human body); and a third condition related to pain depth (e.g., afflicted nervous tissue). See paragraphs 6-8.

As per claim 34, the AAPA, at fig. 2 depicts one of the plurality of conditions is graphically representable by a color (e.g., via item 102') and another of the plurality of conditions is graphically representable by a graphical pattern (e.g., remaining portions of the body).

As per claim 35, the AAPA, at fig. 2 depicts each of the plurality of regions that is static in position and is independent of any overlapping regional boundaries of any adjacent regions.

Claim 37 is a computer-readable medium that performs the system of claim 30; it is, therefore, rejected under the same rationale set forth for claim 30.

Claim 38 is rejected under the same rationale as claim 34.

- *Please note that claim 37 is a computer-processing related claim and, in order to meet the 101 statutory requirements, the claim preamble should read as: -a computer-readable medium encoded with instructions capable of being executed by a computer, ...-.*

Allowable Subject Matter

5. Claims 20-22 and 24-29 are allowed over the prior art because they fail to teach A database structure configured for storing a record, the structure comprises a second field corresponding to a first region of an object representation having a plurality of predetermined regions, the object representation representing at least a portion of a human body, wherein the second field is operable for storing: a first value representing one of a plurality of conditions of a first type, and a second value representing one of a plurality of Conditions of a second type (as recited in claim 20). The prior art fail also to teach a database structure comprises a third database table that comprises data for associating the third database table with a first and a second database tables, and a map having a plurality of fields corresponding to a plurality of regions associated with an object representation representing at least a portion of a human body, each of the plurality of fields operable for storing a first condition value and a second condition value to particularly define a first attribute and a second attribute associated with the corresponding region (as recited in claim 24).

6. Claims 36 and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because the prior art of record fail to teach means for generating a representation of at least two conditions associated to first region representing a portion of a human body in a distinguishable manner from each other for graphical representation on a display, wherein one of the plurality of conditions is graphically representable by a color and another of the plurality of

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conditions is graphically representable by a graphical pattern (as recited in claim 34), and select the first region for association with the at least two conditions in response to input from a user; assign the at least two conditions to the first region in response to input from the user; and save the assigned at least two conditions in association with the first region in response to input from the user (as recited in claim 39).

Conclusion

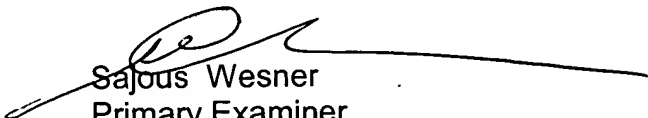
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are as recited in the PTO-892 form.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-7791. The examiner can normally be reached on M-F 9:15-6:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sajous Wesner
Primary Examiner
Art Unit 2628

WS

12/20/06